

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**November 13, 2007**

Meeting was commenced at 7:05 p.m.

**PRESENT:**

**Council Members:** Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** City Attorney Walter Miller; Management Analyst Korban Lee; Public Works Director Rick Smith; Police Chief Stephen Chapman; Administrative Services Director Art Hunter; Animal Services Director Richard Bergan; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

**ABSENT/EXCUSED:**

**Steve Fairbanks** [out of town]

**CAO Byron Jorgenson** [out of town]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Truman Robbit of Troop #1351**, and the Pledge was led by **Colin Dutson, also of Troop #1351**.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

**COUNCIL ITEM(S):**

3. **Animal Ordinance**

**Ordinance #07-30** – amending Title 3 of the revised Ordinances of Sandy City providing for the Regulations of Animals within Sandy City and adopting a savings clause and an effective date for the Ordinance.

**Discussion:** **Animal Services Director Richard Bergan** addressed some of the questions that the Council had regarding the animal ordinance, from the October 30<sup>th</sup> City Council, prior to it's' adoption. He also noted that the Legal Department is making some grammatical and reference revisions to the ordinance.

He discussed the meaning of a dog attack, whether proposed language for fierce, dangerous, or vicious animals was too permissive, definition of a mussel in the code, and the increase of liability insurance from \$40,000 to \$100,000 a year.

**Phil Glenn** reported that he spoke with Farmer's and State Farm Insurance Companies and found that a number of breeds are excluded from liability coverage. The nine breeds of dogs that Farmer's Insurance will not insure are the Akita, Chow, American Stafford Shire Terrier, Pit Bull, Rottweiler, Doberman Pincher, Presa Canario, Wolf Hybrids, or any combination thereof. They will insure other breeds. However, once they bite someone, other breeds would be excluded from the policy. He asked Mr. Bergan if his recommendation would be to increase the liability to \$100,000 based on the recommendations from the insurance companies.

**Rich Bergan** stated "yes", since no one could purchase an insurance policy now for less than \$100,000.

**Phil Glenn** asked if the City may want to consider not licensing some specific breeds that are considered dangerous by the insurance companies.

**Rich Bergan** stated that he was opposed to breed specific ordinances. Laws should be incorporated that are specific to any vicious or aggressive animal.

**Chris McCandless** stated that he could support the concept of revoking the license of animals that have been proven vicious even once in a twelve month period. He stated that the license for such an animal should be revoked.

**Linda Saville** asked how anyone can determine that an animal deserves a second chance when they have already caused serious injury to a child or individual.

**Rick Bergan** stated that each situation is different and needs to be evaluated as such. Most bites that are reported are owner bites. In many instances, the owners will turn their dog over to animal control because they realize they are now a liability. The animal cannot be adopted out.

**Phil Glenn** asked if the new animal ordinance would provide the latitude needed to destroy a vicious animal after the first attack.

**Rick Bergan** reported that this is one of the new proposals that would be included in the ordinance. An owner can appeal the decision to put the animal down with the District Court. Animal Control would then hold the dog at the owner's expense.

**Chris McCandless** felt that a predatory animal should be clearly defined in the ordinance so that a clear determination can be made as to whether an animal should be put down.

**Steve Smith** suggested adding additional language to Section 3-1-18E allowing impounds of animals after the first bite. He also suggested that liability insurance be required and proven after the first bite.

**Chris McCandless** wanted to make certain that dogs that are protecting or defending the home from an intruder are not penalized.

**Rick Bergan** stated that there are mitigating factors in the ordinance for dogs that attack if they have been provoked.

**Dennis Tenney** stated that he could support liability a insurance requirement after one bite even if the animal is in a defensive state.

**Rick Bergan** indicated that language could be added to the ordinance clarifying the various state the animal was in prior to the bite [ie: defensive, aggressive, or predatory in nature]. He also reported that it is illegal for owners to put an animal in the back of a pick-up truck unless it is safely confined.

**Motion:** **Dennis Tenney** made the motion to delay action on the adoption of the Animal Ordinance in order to provide adequate time for the Administration to work on the final

edit of the ordinance.

**Second:** **Steve Smith**

**Vote:** **Tenney- Yes, Savile – Yes, Smith – Yes, Fairbanks – Absent, McCandless- Yes, Cowdell- Yes, Anderson – Yes**

**Motion Approved: 6 in favor – 1 absent**

4. **Interlocal Agreement – Dimple Dell Regional Park Stream Restoration Project**

**Resolution #07-68C** – authorizing the execution of an Interlocal Cooperative Agreement between Salt Lake County and Sandy City for cost sharing (Dimple Dell Regional Park Stream Restoration Project).

**Motion:** Chris McCandless made the motion to adopt Resolution #07-68 C, authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City for cost sharing [Dimple Dell Regional Park Stream Restoration Project].

**Second:** Steve Smith

**Vote:** McCandless- Yes, Smith – Yes, Cowdell- Yes, Saville- Yes, Tenney- Yes, Fairbanks- Absent, Smith – Yes,

**Motion Approved:** 6 in favor- 1 absent

**MINUTES:**

5. Approving the **October 16, 2007** City Council Meeting Minutes.

**Motion:** Dennis Tenney made the motion to approve the **October 16, 2007** City Council Meeting Minutes as written.

**Second:** Steve Smith

**Vote:** The Council responded verbally in the affirmative to the motion.

6. **MAYOR'S REPORT**

- a. No Report was given.

7. **CAO'S REPORT**

- a. No Report was given.

8. **COUNCIL OFFICE DIRECTOR'S REPORT**

- a. Phil Glenn presented copies of the edited Council Guidelines for conduct of meetings, Departmental Briefs, and the updated monthly calendar. City Hall will be closed Thursday, November 22<sup>nd</sup> and 23<sup>rd</sup> for the Thanksgiving Holiday.

9. **OTHER COUNCIL BUSINESS**

- a. Chris McCandless expressed appreciation for the support received on his reelection to the City Council. He complimented his opponent, David Kingsbury, for the professional way in which he ran his campaign. Mr. McCandless was hopeful to involve Mr. Kingsbury in various committees in the city.

Bryant Anderson congratulated Dennis Tenney, Linda Savile, Steve Fairbanks and Mr. McCandless on their re-election to the City Council.

At approximately 7:40 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Chris McCandless.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

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Bryant F. Anderson  
Council Chairman

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Pam Lehman  
Council Office Manager